

REMARKS

Claims 41-80, 82-86, and 88-90 are pending. Claims 41, 44, 46, 52, 55, 58, 61, 64, 67, 71, 78, 79, and 80 are in independent form.

In the Office Action mailed September 7, 2007, the Information Disclosure Statement filed July 8, 2004 was identified as allegedly failing to comply with 37 C.F.R. § 1.98(a)(2). The alleged basis is a failure to submit non-patent literature cited as items 14 and 15 on the Form PTO-1449.

Applicant respectfully disagrees and submits that the Information Disclosure Statement filed July 8, 2004 fully complied with the requirements of 37 C.F.R. § 1.98. As set forth in 37 C.F.R. § 1.98(d), copies of publications listed in an information disclosure statement are required to be provided unless the publication was previously submitted to the Office in an earlier application that is properly identified in the information disclosure statement and is relied on for an earlier effective filing date under 35 U.S.C. § 120. *See* 37 C.F.R. § 1.98(d)(1).

In the present case, the Information Disclosure Statement filed July 8, 2004 properly identifies U.S. Patent Application Serial No. 09/823,406 (now U.S. Patent No. 6,738,770). Further, the priority of this application was claimed under 35 U.S.C. § 120. Accordingly, was not required to submit the non-patent literature cited on the Form PTO-1449.

Nevertheless, as a courtesy, submitted herewith are copies of items 14 and 15, along with a copy of the Information Disclosure Statement and Form PTO-1449 filed July 8, 2004. Please note that item 15 appears within item 14.

Since the Information Disclosure Statement filed July 8, 2004 was proper, no fees are believed due at this time. If this is in error, please apply the fee for submission of an Information Disclosure Statement to deposit account 06-1050.

Rejections under 35 U.S.C. § 112, first paragraph

Claim 79 was rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. The rejection contends that the “specification merely repeats the claim limitations without any support for the claimed ‘means.’”

Applicant respectfully disagrees. For example, FIG. 2 illustrates software components that are part of a data management module. *See, e.g., specification*, page 6, line 26-28. The data management module and its components are believed to support the claimed means to an extent sufficient to allow those of ordinary skill in the art to implement the subject matter recited in claim 79 without undue experimentation.

Accordingly, the requirements of 35 U.S.C. § 112, first paragraph, have been satisfied. Applicant respectfully requests that the rejection of claim 79 be withdrawn.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 48, 54, 55, and 88 were rejected under 35 U.S.C. § 112, second paragraph. Claims 48, 54, 55, and 88 have been amended to address the Examiner's concerns.

Claim 81 was rejected under 35 U.S.C. § 112, second paragraph. Claim 81 has been canceled, rendering the rejection moot.

Rejections under 35 U.S.C. § 101

Claim 78 was rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Claim 78 has been amended to address the Examiner's concerns.

Objections to the Claims

Claim 47 was objected to on various grounds. Claim 47 has been amended to address the Examiner's concerns.

Rejections under 35 U.S.C. § 102

Claim 81 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,396,621 to MacGregor et al. (hereinafter "MacGregor").

To advance prosecution, claim 81 has been canceled. Dependent claims 82, 83, and 85 have been amended to depend from allowable claim 71. Applicant reserves the right to pursue the subject matter of claim 81 in a continuation application.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

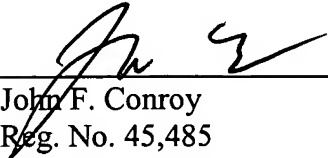
Applicant: John G. Gorman
Serial No.: 10/776,440
Filed: February 10, 2004
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Attorney's Docket No.: 19384-002002

No fees are believed due at this time. Please apply any charges or credits to deposit
account 06-1050.

Respectfully submitted,

Date: December 7, 2007



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UTILITY/DESIGN PATENT
(document recordation / IDS)

Date: 7-8-07

Rec'd in the USPTO on the date stamped hereon via Certificate of Mail:

Docket #: 2006-0161 Applicant: Chimer

Title: Sustained release method for polymeric

App No.: 101776440 Filed: 2-10-04

Ext: 101776440 Art Unit: 2100

Class/Sub-Class: 514 Re-Exam No.: 00

VERIFIED BY: Asst. ALC Atty: ALC QC: ALC

☒ Transmittal Letter

☒ Information Disclosure Statement in 1 pgs

☒ Form PTO-1449 in 1 pgs

☐ \$180 Check for IDS

☐ Recordation Form Cover Sheet

☐ Assignment in pgs

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(7/14/03)



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JOHN MARSHALL OLSON & BEAR, LLP

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INTELLECTUAL PROPERTY LAW

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Date: 7-8-07

UTILITY/DESIGN PATENT
(document recordation / IDS)

Rec'd in the USPTO on the date stamped hereon via Certificate of Mail:

Docket #: DEEPSK-001C1 Applicant: German
Title: System and method for Filtering Filed: 2-10-04
App No.: 101776,440 Art Unit: 2124
Exr: Unus Re-Exam No.:
Class/Sub-Class: 1 Atty: H2L QC: W
VERIFIED BY: Asst: SLC

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☒ 15 Reference(s)